

STATE OF INDIANA)
) SS:
COUNTY OF MARION) AVC NO. 01-069

IN RE: EZ HEALTH INTERNATIONAL,)
 L.L.C., MICHAEL W. MARLIN,)
 and JACKIE F. MARLIN,)
)
 Respondents.)

FILED
OCT 30 2001

Sarah M. Taylor
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and the Respondents, EZ Health International, L.L.C., Michael W. Marlin, and Jackie F. Marlin, enter into an Assurance of Voluntary Compliance (“Assurance”) pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties. Respondents’ execution of this Assurance shall not be considered an admission of a deceptive act for any purpose.

The parties agree:

1. Respondent EZ Health International, L.L.C., is an Indiana limited liability company engaged in multilevel marketing of health, nutritional, and dietary supplements, including but not limited to “Biotherapy Control Kits” via telemarketing and the internet. EZ Health International, L.L.C., also transacts business under the assumed business name Dynamic Health Network and has a principal place of business at 5340 Commerce Drive, Suite E, Indianapolis, Indiana.

2. Respondents Michael W. Marlin and Jackie F. Marlin are the founders of EZ Health International, L.L.C., and manage the day to day operations of EZ Health International, L.L.C.

3. The terms of this Assurance apply to and are binding upon Respondents, their principals, officers, directors, employees, agents, representatives, successors, and assigns.

4. Respondents acknowledge the jurisdiction of the Consumer Protection Division of the Indiana Attorney General's Office to investigate matters hereinafter described, pursuant to the authority of Ind. Code § 4-6-9-4 and Ind. Code § 24-5-0.5-1 *et seq.*

5. Respondents shall not solicit Indiana telephone subscribers through use of an automatic dialing-announcing device as defined by Ind. Code § 24-5-14-1 unless Respondents have a current business or personal relationship with the subscriber, the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of Respondents' prerecorded message, or the prerecorded message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

6. Respondents shall not represent, when soliciting consumers through telemarketing, the internet, or any other means, that the subject of a consumer transaction has approval, performance, characteristics, accessories, uses, or benefits it does not have which Respondents know or should reasonably know it does not have. This restriction includes, but is not limited to, Respondents' offer to sell a "Biotherapy Control Kit" or other products represented to help prevent diseases including Anthrax and Smallpox.

7. Respondents shall not represent, when soliciting consumers through telemarketing, the internet, or any other means, that the subject of a consumer transaction has a sponsorship, approval, or affiliation it does not have, which Respondents know or should reasonably know it does not have.

8. Within two (2) business days following execution of this Assurance, Respondents shall provide the Office of the Attorney General a list identifying by name, address, and telephone number, each telephone subscribers who responded to Respondents' telephone solicitation for Biotherapy Control Kits, and for each identified subscriber, stating the nature of the subscriber's response (e.g., request for additional information; request for removal from call list). Respondents further agree to supplement such list within two (2) business days following receipt of any future calls from telephone subscribers responding to Respondents' Biotherapy Control Kit solicitation.

9. Respondents acknowledge that they have sold no Biotherapy Control Kits as of the date of this Assurance. In the event the Indiana Attorney General receives any future consumer complaints alleging that a Biotherapy Control Kit or similar product was purchased from Respondents, Respondents agree to refund the consumer's purchase price upon receiving the complaint from the Attorney General.

10. Within ten (10) days of execution of this Assurance, Respondents agree to provide the Office of the Attorney General with copies of all documentation in their possession supporting claims that the Biotherapy Control Kit sold by Respondents assists in the prevention of anthrax and smallpox.

11. Upon execution of this Assurance, Respondents shall pay costs in the amount of five hundred dollars (\$500.00) to the Office of the Attorney General.

12. The Indiana Attorney General reserves the right to reopen his investigation of the matters addressed herein upon discovery of additional information not known by the Attorney General as of the date of this Assurance, including but not limited to information provided to the Office of the Attorney General pursuant to paragraph 9 above.

13. Respondents shall not represent that the Office of the Attorney General approves or endorses Respondents' past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

14. Respondents shall fully cooperate with the Office of the Attorney General in any future investigation of the matters addressed in this Assurance, as well as in the resolution of any future written complaints the Consumer Protection Division receives.

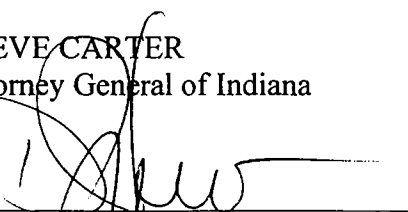
15. The Office of the Attorney General shall file this Assurance in the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

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IN WITNESS WHEREOF, the parties have executed this Assurance this 29th
day of October, 2001.

STATE OF INDIANA

STEVE CARTER
Attorney General of Indiana

by: 
David A. Paetzmann
Deputy Attorney General
Attorney no. 6392-23
Office of the Attorney General
Indiana Government Center South, 5th fl.
402 W. Washington Street
Indianapolis, IN 46204

RESPONDENTS

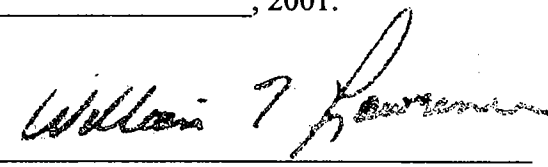
EZ HEALTH INTERNATIONAL, L.L.C.

by: Michael W Marlin - Member
Name:
Title:

Michael W Marlin
Michael W. Marlin

Jackie F. Marlin
Jackie F. Marlin

APPROVED this _____ day of _____, 2001.


Judge, Marion County Circuit Court